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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

PATEL, HARESH N

ART UNIT PAPER NUMBER

2154

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/881,915

Applicant(s)

BODIN ET AL.

Examiner

Haresh Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

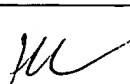
- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |



DETAILED ACTION

1. Claims 1-36 are presented for examination.

Response to Arguments

2. Applicant's arguments filed 12/16/2005 have been fully considered but they are not persuasive. Therefore, rejection of claims 1-36 is maintained.

Applicant argues (1), "cited references, i.e., Application Server Solution Guide, Enterprise Edition: Getting Started, Nusbaum, May 2000, Nusbaum et. al., pages 1-45, 416-434 (Hereinafter Nusbaum), and Java Media Framework API Guide, JMF 2.0 FCS, November 19, 1999, Sun Microsystems, page 1-66, 109- 135, 173-178 (Hereinafter Sun), do not contain a suggestion, or motivation to modify or to combine with each other. The examiner respectfully disagrees in response to applicant's arguments. In response to the references containing a suggestion, or motivation to modify or to combine with each other, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of a primary reference. It is also not that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. In re Keller, 642 F.2d 414, 425, 208 USPQ 871, 881 (CCPA 1981); In re Young, 927 F.2d 588, 591, 18 USPQ2d 1089, 1091 (Fed. Cir. 1991). Nusbaum teaches a method, a system and a computer program product to implement remote direction (e.g., figure 5, page 13) of handling information from a multiplicity of sources of digital information to a multiplicity of client devices (e.g., section 1.2.4, page 6, section 2.1.1.1, pages 31 and 32, section 8.1.8, page 417) the method implemented upon a network of

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digital computers (e.g., figure 5, page 13), at least one of the digital computers comprising a content server upon which the steps of the method are implemented (e.g., section 1.2.4, page 6, section 2.1.1.1, pages 31 and 32, section 8.1.8, page 417) in computer memory and at least one computer processor (e.g., server containing web content, page 13) the method comprising the steps of: receiving digital content from the sources (e.g., section 1.2.4, page 6, section 2.1.1.1, pages 31 and 32, section 8.1.8, page 417) receiving, from a remote director, and storing in computer memory, remote director instructions (e.g., section 1.2.4, page 6, section 2.1.1.1, pages 31 and 32, section 8.1.8, page 417), the remote director instructions including instructions for selections of digital content for inclusion in an output streaming (e.g., section 1.2.4, page 6, section 2.1.1.1, pages 31 and 32, section 8.1.8, page 417); carrying out the remote director instructions (e.g., section 1.2.4, page 6, section 2.1.1.1, pages 31 and 32, section 8.1.8, page 417). Sun teaches well known concept of streaming digital content and transcoding (e.g., transcoding the video contents, page 33) into digital content having streaming format objects and the digital content having a multiplicity of digital formats (e.g., streaming media, page 4, MPEG, JPEG, etc., video formatted content, page 6). With the combined teachings of Nusbaum and Sun, a person of ordinary skill in the art, would utilize the concept of transcoding to transform the digital information using the digital formats. The digital formats would help provide information on how the digital information needs to be handled by the software. The digital data would be used for streaming information to/from the user using streaming digital formats. Therefore, the rejection is maintained.

Applicant argues (2), "cited references, i.e., Nusbaum and Sun do not contain a suggestion of any expectation of success". The examiner respectfully disagrees in response to

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applicant's arguments. In response to the references containing a suggestion of any expectation of success, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of a primary reference. It is also not that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. In re Keller, 642 F.2d 414, 425, 208 USPQ 871, 881 (CCPA 1981); In re Young, 927 F.2d 588, 591, 18 USPQ2d 1089, 1091 (Fed. Cir. 1991). The claimed subject matter accomplishes a method, a system, a computer software product of remote direction of streaming digital content from a multiplicity of sources of digital information to a multiplicity of client devices. Nusbaum teaches a method, a system and a computer program product to implement remote direction (e.g., figure 5, page 13) of handling information from a multiplicity of sources of digital information to a multiplicity of client devices (e.g., section 1.2.4, page 6, section 2.1.1.1, pages 31 and 32, section 8.1.8, page 417) the method implemented upon a network of digital computers (e.g., figure 5, page 13), at least one of the digital computers comprising a content server upon which the steps of the method are implemented (e.g., section 1.2.4, page 6, section 2.1.1.1, pages 31 and 32, section 8.1.8, page 417) in computer memory and at least one computer processor (e.g., server containing web content, page 13) the method comprising the steps of: receiving digital content from the sources (e.g., section 1.2.4, page 6, section 2.1.1.1, pages 31 and 32, section 8.1.8, page 417) receiving, from a remote director, and storing in computer memory, remote director instructions (e.g., section 1.2.4, page 6, section 2.1.1.1, pages 31 and 32, section 8.1.8, page 417), the remote director instructions including instructions for selections of digital content for inclusion in an output streaming (e.g., section 1.2.4, page 6, section 2.1.1.1, pages 31 and 32,

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section 8.1.8, page 417); carrying out the remote director instructions (e.g., section 1.2.4, page 6, section 2.1.1.1, pages 31 and 32, section 8.1.8, page 417). Sun teaches well known concept of streaming digital content and transcoding (e.g., transcoding the video contents, page 33) into digital content having streaming format objects and the digital content having a multiplicity of digital formats (e.g., streaming media, page 4, MPEG, JPEG, etc., video formatted content, page 6). With the combined teachings of Nusbaum and Sun, a person of ordinary skill in the art, would utilize the concept of transcoding to transform the digital information using the digital formats. The digital formats would help provide information on how the digital information needs to be handled by the software. The digital data would be used for streaming information to/from the user using streaming digital formats. The combined teachings of Nusbaum and Sun would support implementing all claimed limitations to accomplish a method, a system, a computer software product of remote direction of streaming digital content from a mutiplicity of sources of digital information to a multiplicity of client devices. Therefore, the rejection is maintained.

Applicant argues (3), "the combined teachings of cited references, i.e., Nusbaum and Sun do not disclose, teach or suggest all of applicant's claimed limitations, in particular, remote direction of streaming digital content, remote directors, or remote director instructions. The examiner respectfully disagrees in response to applicant's arguments. Nusbaum and Sun teach the claimed limitations, remote direction of streaming digital content (e.g., streaming media as per remote instruction, page 4, MPEG, JPEG, etc., video formatted content, page 6, Sun), remote directors (e.g., section 1.2.4, page 6, section 2.1.1.1, pages 31 and 32, section 8.1.8, page 417, Nusbaum) or remote director instructions (e.g., section 1.2.4, page 6, section 2.1.1.1, pages 31

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and 32, section 8.1.8, page 417, Nusbaum). The claim is open-ended (comprising), and page 24, lines 16-21 of the specification, clearly states, "It will be understood from the foregoing description that various modifications and changes may be made in embodiments of the present invention without departing from its true spirit. All exemplary embodiments described in this specification are mere examples, not limiting definitions of the invention. It is intended that descriptions in this specification are only for purposes of illustration and are not to be construed in a limiting sense. The scope of this invention should be limited only by the language of the following claims". Since, applicant's claims contain broadly claimed subject matter, it clearly reads upon the examiner's interpretation of the claimed subject matter. Therefore, the rejection is maintained.

Applicant argues (4), "Nusbaum, is Non-analogous Art, not in the same field of endeavor as the present application, is not reasonably pertinent to the particular problem with which the inventor was concerned, and teaching away from the claims". The examiner respectfully disagrees. As per the claimed invention, the applicant discloses, a method / a system / computer program product to implement remote direction of handling information (streaming digital content) from a multiplicity of sources of digital information to a multiplicity of client devices. Nusbaum teaches a method, a system and a computer program product to implement remote direction (e.g., figure 5, page 13) of handling information from a multiplicity of sources of digital information to a multiplicity of client devices (e.g., section 1.2.4, page 6, section 2.1.1.1, pages 31 and 32, section 8.1.8, page 417), which is the same field of endeavor. In response to applicant's argument that Nusbaum is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the

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particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, a method / a system / computer program product to implement remote direction of handling information (streaming digital content) from a multiplicity of sources of digital information to a multiplicity of client devices is similar to Nusbaum's teachings of a method, a system and a computer program product to implement remote direction (e.g., figure 5, page 13) of handling information from a multiplicity of sources of digital information to a multiplicity of client devices (e.g., section 1.2.4, page 6, section 2.1.1.1, pages 31 and 32, section 8.1.8, page 417). The streaming digital content and transcoding are well known in the art, for example Sun discloses streaming digital content and transcoding (e.g., transcoding the video contents, page 33). Hence, the combined teachings of Nusbaum and Sun teach what the claims accomplish. The claim is open-ended (comprising), and page 24, lines 16-21 of the specification, clearly states, "It will be understood from the foregoing description that various modifications and changes may be made in embodiments of the present invention without departing from its true spirit. All exemplary embodiments described in this specification are mere examples, not limiting definitions of the invention. It is intended that descriptions in this specification are only for purposes of illustration and are not to be construed in a limiting sense. The scope of this invention should be limited only by the language of the following claims". Since, applicant's claims contain broadly claimed subject matter, it clearly reads upon the examiner's interpretation of the claimed subject matter. Therefore, the rejection is maintained.

Double Patenting

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The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-36 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-22 of copending Application No. 09/882174. Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of independent claims 1, 13, 26 are similar to claim 1 of copending Application No. 09/882174. The limitations, "remote direction of streaming digital content from a content server to a client devices using remote director" is equivalent to the use of content information, transcoding gateway for providing director instructions to stream digital content, and the use of email containing digital content. The limitations of dependent claims 2-12, 14-23, 26-36, are similar to claims 2-22 of copending Application No. 09/882174. The copending application handles transcoding information using the network device. The current application also handles transcoding information using the network device. The claimed subject matter of the copending application does not mention about the transcoding being done using remote director instructions. However, the concept of using remote director instructions is well known in the art. For example, Nusbaum discloses

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usage of remote director instructions (e.g., servlet aliases, servlet URLs, sections 1.1 and 1.2, pages 1 and 2). The remote director instructions would help provide instructions to perform the transcoding from a remote device. A person of ordinary skill in the art, would use the well known remote director instructions for transcoding and would conclude that claims 1-36 in the present case are obvious in view of claims 1-22 of copending application number 09/882174.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

4. Claims 1-36 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 10-15 of copending Application No. 09/881919. Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of independent claims 1, 13, 26 are similar to claim 10 of copending Application No. 09/881919. The limitations, "remote direction of streaming digital content from a content server to a client devices using remote director" is equivalent to the use of a content server through which digital content is transcoded into streams of multimedia data, the streams communicated via network to client devices, use of the digital content for streaming, use of remote director instructions comprising hyperlinked URLs invoked through a network-capable device. The limitations of dependent claims 2-12, 14-23, 26-36, are similar to claims 11-15 of copending Application No. 09/881919. The copending application handles transcoding information using the network device. The current application also handles transcoding information using the network device. The claimed subject matter of the copending application does not mention about the transcoding being done using remote director

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instructions. However, the concept of using remote director instructions is well known in the art. For example, Nusbaum discloses usage of remote director instructions (e.g., servlet aliases, servlet URLs, sections 1.1 and 1.2, pages 1 and 2). The remote director instructions would help provide instructions to perform the transcoding from a remote device. A person of ordinary skill in the art, would use the well known remote director instructions for transcoding and would conclude that claims 1-36 in the present case are obvious in view of claims 10-15 of copending application number 09/881919.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

5. Claims 1-36 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 09/881917. Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of independent claims 1, 13, 26 are similar to claim 1 of copending Application No. 09/881917. The limitations, "remote direction of streaming digital content from a content server to a client devices using remote director" is equivalent to the use of streaming digital content from a multiplicity of sources of digital information to a multiplicity of client devices, use of network of digital computers comprising a content server. The limitations of dependent claims 2-12, 14-23, 26-36, are similar to claims 2-20 of copending Application No. 09/881917. The copending application handles transcoding information using the network device. The current application also handles transcoding information using the network device. The claimed subject matter of the copending application

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does not mention about the transcoding being done using remote director instructions. However, the concept of using remote director instructions is well known in the art. For example, Nusbaum discloses usage of remote director instructions (e.g., servlet aliases, servlet URLs, sections 1.1 and 1.2, pages 1 and 2). The remote director instructions would help provide instructions to perform the transcoding from a remote device. A person of ordinary skill in the art, would use the well known remote director instructions for transcoding and would conclude that claims 1-36 in the present case are obvious in view of claims 1-20 of copending application number 09/881917.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

6. Claims 1-36 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-12 of copending Application No.09/882173. Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of independent claims 1, 13, 26 are similar to claim 1 of copending Application No. 09/882173. The limitation "remote direction of streaming digital content from a content server to a client devices using remote director" is equivalent to the use of remote direction of streaming digital content from a multiplicity of sources of digital information to a multiplicity of client devices upon a network of digital computers comprising a content server receiving digital content from the sources and the digital content having a multiplicity of digital formats. The limitations of dependent claims 2-12, 14-23, 26-36, are similar to claims 2-11 of copending Application No. 09/882173. The copending

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application handles transcoding information using the network device. The current application also handles transcoding information using the network device. The claimed subject matter of the copending application does not mention about the transcoding being done using remote director instructions. However, the concept of using remote director instructions is well known in the art. For example, Nusbaum discloses usage of remote director instructions (e.g., servlet aliases, servlet URLs, sections 1.1 and 1.2, pages 1 and 2). The remote director instructions would help provide instructions to perform the transcoding from a remote device. A person of ordinary skill in the art, would use the well known remote director instructions for transcoding and would conclude that claims 1-36 in the present case are obvious in view of claims 1-11 of copending application number 09/882173.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Drawings

7. The formal drawings submitted on 12/16/2004 are acknowledged.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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9. Claims 1, 2, 4-14, 16-26 and 28-36, are rejected under 35 U.S.C. 103(a) as being unpatentable over Application Server Solution Guide, Enterprise Edition: Getting Started, Nusbaum, May 2000, Nusbaum et. al., pages 1-45, 416-434 (Hereinafter Nusbaum) in view of Java Media Framework API Guide, JMF 2.0 FCS, November 19, 1999, Sun Microsystems, page 1-66, 109- 135, 173-178 (Hereinafter Sun).

10. As per claims 1, 13 and 25, Nusbaum teaches a method, a system and a computer program product to implement remote direction (e.g., figure 5, page 13) of handling information from a multiplicity of sources of digital information to a multiplicity of client devices (e.g., section 1.2.4, page 6, section 2.1.1.1, pages 31 and 32, section 8.1.8, page 417) the method implemented upon a network of digital computers (e.g., figure 5, page 13), at least one of the digital computers comprising a content server upon which the steps of the method are implemented (e.g., section 1.2.4, page 6, section 2.1.1.1, pages 31 and 32, section 8.1.8, page 417) in computer memory and at least one computer processor (e.g., server containing web content, page 13) the method comprising the steps of: receiving digital content from the sources (e.g., section 1.2.4, page 6, section 2.1.1.1, pages 31 and 32, section 8.1.8, page 417) receiving, from a remote director, and storing in computer memory, remote director instructions (e.g., section 1.2.4, page 6, section 2.1.1.1, pages 31 and 32, section 8.1.8, page 417), the remote director instructions including instructions for selections of digital content for inclusion in an output streaming (e.g., section 1.2.4, page 6, section 2.1.1.1, pages 31 and 32, section 8.1.8, page 417); carrying out the remote director instructions (e.g., section 1.2.4, page 6, section 2.1.1.1, pages 31 and 32, section 8.1.8, page 417), wherein carrying out the remote director instructions further comprises:

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selecting, in dependence upon the remote director's instructions, digital content for inclusion in an output stream (e.g., section 1.2.4, page 6);

in dependence upon the remote director's instructions handling the digital content from sources (e.g., section 2.1.1.1, pages 31 and 32);

including in an output streaming, in dependence upon the remote director's instructions, digital content (e.g., section 1.2.4, page 6);

communicating, in dependence upon the remote director's instructions, to at least one of the client devices the output stream (e.g., section 1.2.4, page 6).

However, Nusbaum does not specifically mention about streaming digital content and transcoding into digital content having streaming format objects and the digital content having a multiplicity of digital formats.

Sun teaches streaming digital content and transcoding (e.g., transcoding the video contents, page 33) into digital content having streaming format objects and the digital content having a multiplicity of digital formats (e.g., streaming media as per remote instruction, page 4, MPEG, JPEG, etc., video formatted content, page 6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Nusbaum with the teachings of Sun in order to facilitate transforming of the objects and using the digital formats for streaming digital content because transforming would help transform the digital information using the digital formats. The digital formats would help provide information on how the digital information needs to be handled by the software. The digital data would be used for streaming information to/from the user using streaming digital formats.

11. As per claims 2, 14, 26, Nusbaum and Sun teach the claimed limitations as rejected above. Nusbaum also teaches the following:

the client devices comprise client device attributes, said transcoding further comprising transcoding in dependence upon the client device attributes (e.g., Section 1.3.1.2, page 10).

12. As per claims 4, 16, 28, Nusbaum and Sun teach the claimed limitations as rejected above. Nusbaum also teaches the following:

the remote director comprises a personal computer coupled through a network to the content server (e.g., figure 1, page 2, figure 3, page 9), the method further comprising: sending from the remote director to the content server remote director instructions (e.g., servlet aliases, servlet URLs, sections 1.1 and 1.2, pages 1 and 2), further comprising involving through URLs displayed on a terminal of the remote director member methods in servlets installed on the content server (e.g., servlet aliases, servlet URLs, sections 1.1 and 1.2, pages 1 and 2).

13. As per claims 5, 17, 29, Nusbaum and Sun teach the claimed limitations as rejected above. Nusbaum also teaches the following:

invoking through each URL a single member method in a servlet (e.g., servlet aliases, servlet URLs, sections 1.1 and 1.2, pages 1 and 2).

14. As per claims 6, 18, 30, Nusbaum and Sun teach the claimed limitations as rejected above. Nusbaum also teaches the following:

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the single member method is programmed to carry out a single remote director instruction (e.g., use of servlet aliases, servlet URLs, sections 1.1 and 1.2, pages 1 and 2).

15. As per claims 7, 19, 31, Nusbaum and Sun teach the claimed limitations as rejected above. Nusbaum also teaches the following:

the single member method is implemented as a Java thread-level URL dispatch routine (e.g., implementation of servlet aliases, servlet URLs, sections 1.1 and 1.2, pages 1 and 2).

16. As per claims 8, 20, 32, Nusbaum and Sun teach the claimed limitations as rejected above. Nusbaum also teaches the following:

the remote director instruction comprises an instruction to select for transcoding and streaming digital content from a specific source (e.g., specific source referred by servlet URL, servlet aliases, sections 1.1 and 1.2, pages 1 and 2, figure 3, page 9).

17. As per claims 9, 21, 33, Nusbaum and Sun teach the claimed limitations as rejected above. Nusbaum also teaches the following:

registering a user for a service, the service identified by a service identification code, the service comprising at least one output stream (e.g., section 1.2.4, page 6, section 2.1.1.1, pages 31 and 32, section 8.1.8, page 417);

logging in the user for the service, logging in the user further comprising assigning values to user login attributes, the user login attributes comprising user identification, device type, network address, and a tier (e.g., section 8.1.8.1, page 417),

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assigning a tier value in dependence upon the device type and the service identification code (e.g., section 8.1.8, page 417);

wherein the selections are dependent upon the tier (e.g., section 8.1.8.1, page 417),

wherein transcoding further comprises transcoding in dependence upon the tier (e.g., section 8.1.10, page 420); and

wherein communicating to at least one of the client devices the output stream further comprises communicating the output stream to the network address (e.g., section 4.1.5.3, page 119).

18. As per claims 10, 22, 34, Nusbaum and Sun teach the claimed limitations as rejected above. Nusbaum also teaches the following:

creating a service registration record comprising service registration attributes comprising user id, service id and service subscription level; and assigning a tier value further comprises assigning a tier value in dependence upon the service subscription level (e.g., section 7, page 363).

19. As per claims 11, 23, 35, Nusbaum and Sun teach the claimed limitations as rejected above. Nusbaum also teaches the following:

registering a user for an event, the event identified by an event identification code, the event comprising at least one output stream, at least one source, a start date and a start time (e.g., section 1.2.4, page 6, section 2.1.1.1, pages 31 and 32, section 8.1.8, page 417);

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logging in the user for the event, logging in the user further comprising assigning values to user login attributes, the user login attributes comprising user identification, device type, network address, and a tier; (e.g., section 8.1.8.1, page 417),

assigning a tier value in dependence upon the device type and the event identification code (e.g., section 8.1.8, page 417);

wherein the selections are dependent upon the tier (e.g., section 8.1.8.1, page 417),

wherein transcoding further comprises transcoding in dependence upon the tier (e.g., section 8.1.10, page 420); and

wherein communicating to at least one of the client devices the output stream further comprises communicating the output stream to the network address (e.g., section 4.1.5.3, page 119).

20. As per claims 12, 24, 36, Nusbaum and Sun teach the claimed limitations as rejected above. Nusbaum also teaches the following:

registering a user further comprises creating an event registration record comprising event registration attributes comprising user id, event id, event subscription level, start date, and start time (e.g., section 1.2.4, page 6, section 2.1.1.1, pages 31 and 32, section 8.1.8, page 417); and

assigning a tier value further comprises assigning a tier value in dependence upon the event subscription level (e.g., section 8.1.8, page 417).

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21. Claims 3, 15, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nusbaum in view of Sun and in further view of "Official Notice".

22. As per claims 3, 15, 27, Nusbaum and Sun teaches the claimed limitation as rejected under claims 2, 14 and 26. Nusbaum and Sun also discloses that the transforming of client device attributes. However, Nusbaum and Sun does not specifically mention about client device attributes including device type, screen size, frame rate, and audio status. "Official Notice" is taken that both the concept and advantages of providing client device attributes include device type, screen size, frame rate, and audio status is well known and expected in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include client device attributes include device type, screen size, frame rate, and audio status with the teachings of Nusbaum and Sun in order to facilitate transcoding of the client device attributes, i.e., device type, screen size, frame rate, and audio status because the client device attributes would help provide information which would be used for transcoding. The software used for transcoding would transcode the information. The transcoded information would help provide digital information to the user.

Conclusion

23. The prior art made of record (forms PTO-892 and applicant provided IDS cited arts) and not relied upon is considered pertinent to applicant's disclosure.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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Haresh Patel

June 26, 2005



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